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8 Capital One Bank, sued as Capital One  
Mortgage

\*E-FILED - 9/13/07\*

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN JOSE DIVISION

12 CHERYL KELMAR,  
13 Plaintiff,

14 vs.

15 CAPITAL ONE MORTGAGE,  
16 Defendant.

Case No. C 07 1803 RMW PVT

Honorable Ronald M. Whyte

**JOINT STIPULATION AND  
[PROPOSED] ORDER FOR  
DISMISSAL, WITH PREJUDICE,  
OF DEFENDANT CAPITAL ONE  
BANK**

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**JOINT STIPULATION FOR DISMISSAL OF CAPITAL ONE**

REED SMITH LLP  
A limited liability partnership formed in the State of Delaware.

1 Plaintiff Cheryl Kelmar and Defendant Capital One Bank, sued as Capital  
2 One Mortgage ("Capital One"), have reached a settlement in the above-referenced  
3 matter, and pursuant to Rule 41 of the Federal Rules of Civil Procedure, hereby  
4 stipulate to a dismissal, with prejudice, of Capital One from this action. Each party  
5 agrees to bear its own costs and fees.

6  
7 IT IS SO STIPULATED.

8  
9 DATED: August 16, 2007

10  
11 By Cheryl Kelmar  
12 Cheryl Kelmar  
13 Plaintiff

14 DATED: August 21, 2007

15 REED SMITH LLP

16  
17 By Kristine H. Chen  
18 Kristine H. Chen  
19 Attorneys for Defendant  
20 Capital One Bank, sued as Capital  
21 One Mortgage

22 **PROPOSED ORDER**

23 Pursuant to the stipulation above, IT IS SO ORDERED.

24 Dated: 9/13/07

25 Ronald M. Whyte  
26 Honorable Ronald M. Whyte  
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